

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**AZIYO BIOLOGICS, INC.,**

*Plaintiff,*

v.

**NAVIGATORS SPECIALTY  
INSURANCE COMPANY and MCGRUFF  
INSURANCE SERVICES, INC.,**

*Defendants.*

Case No. \_\_\_\_\_

**DEFENDANT NAVIGATORS SPECIALTY INSURANCE COMPANY  
MOTION TO FILE UNDER SEAL**

Defendant Navigators Specialty Insurance Company, by and through its undersigned attorneys, hereby moves to file Exhibit 1 to the Notice of Removal under seal. The grounds for the motion are as follows:

1. The original Complaint was filed under seal in the Superior Court of the State of Delaware, C.A. No. N22C-09-811 PRW [CCLD], against Defendant Navigators Specialty Insurance Company (“Navigators”) and Defendant McGriff Insurance Services, Inc. (“McGriff”). A true and correct copy of the Complaint is attached as Exhibit “1” to the Notice of Removal.

2. “The court may order that a filing be made under seal without redaction.” Fed. R. Civ. P. 5.2(d). “The party seeking to seal any part of a judicial record bears the heavy burden of showing that ‘the material is the kind of information that courts will protect’ and that ‘disclosure will work a clearly defined and serious injury to the party seeking closure.’” *Miller v. Indiana Hosp.*, 16 F.3d 549, 551 (3d Cir. 1994) (quoting *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984)).

3. No redacted copy of the original Complaint has been filed yet in Superior Court. Plaintiff's designation of the document as confidential should be preserved.

**WHEREFORE**, Defendant Navigators Specialty Insurance Company requests that it be permitted to file Exhibit 1 to the Notice of Removal under seal.

Respectfully submitted,

**BODELL BOVE, LLC**

/s/ Bruce W. McCullough

Bruce W. McCullough (Del. ID 3112)

1225 N. King Street, Suite 1000

Wilmington, DE 19801

Tel: 302-655-6749

Fax: 302-655-6827

[bmccullough@bodellbove.com](mailto:bmccullough@bodellbove.com)

*Attorneys for Defendant Navigators  
Specialty Insurance Company*

Dated: November 4, 2022

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 4<sup>th</sup> day of November, 2022, I caused a copy of Defendant Navigators Specialty Insurance Company Motion to File Under Seal to be served on the following counsel of record by electronic mail:

Richard I.G. Jones, Jr., Esquire  
Peter C. McGivney, Esquire  
Berger Harris LLP  
1105 N. Market Street, 11<sup>th</sup> Floor  
Wilmington, DE 19801  
Email: [rjones@bergerharris.com](mailto:rjones@bergerharris.com)  
Email: [pmcgivney@bergerharris.com](mailto:pmcgivney@bergerharris.com)

/s/ Bruce W. McCullough  
Bruce W. McCullough (Del. ID 3112)